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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,968	02/21/2002	Kouzou Fujino	NSG-207US	2725
23122	7590	05/03/2005	EXAMINER	
RATNERPRESTIA			CHOI, JACOB Y	
P O BOX 980			ART UNIT	PAPER NUMBER
VALLEY FORGE, PA 19482-0980			2875	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/081,968

Applicant(s)

FUJINO ET AL.

Examiner

Jacob Y. Choi

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/14/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,4,6 and 11-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species II, claims 3, 5, 7, 8-9 in the reply filed on 4/14/2005 is acknowledged.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

4. Claims 3, 5, 7, 8 and 9 are objected to because of the following informalities: following claims are dependent on non-elected claims. Appropriate correction is required.

Note: the examiner will examine the following dependent claims as if they were dependent on the only independent claim number 10

A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The term "a reflectance of 90% or more" in claim 7 is a relative term which renders the claim indefinite. The term "a reflectance of 90% or more" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Claim does not define upper boundary or the percentage.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabata et al. (USPN 6,375,335).

Regarding claim 10, Tabata et al. discloses a light-guide plate (10) which is a planar-shaped, at least one light source (LEDs; 30) which is arranged on a peripheral side-surface (12) of the light-guide plate (10), a case frame (45; Figure 41) formed integrally with a bottom cover (frame covers the bottom portion; Figure 41), for accommodating the light-guide plate and the light source (Figure 41), and a light scattering member (11; Figure 10) which is arranged on an lower surface of the light guide plate (10), wherein the light source (LEDs; 30) is arranged on the peripheral side-surface (12) of the light-guide plate (10) by fitting at least one pin (16) formed on the side surface of the light-guide plate (column 9, lines 5-15), into a hole (32) formed on the light source (LEDs) to the pin (16).

Tabata et al. discloses the claimed invention except for the arrangement of the light scattering member being on top of the light-guide plate.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify light scattering members of Tabata et al. to be located on top surface of the light-guide plate for an uniform illumination over the entire longitudinal length of the light guide element (column 6, lines 25-35), since it has been held that

Art Unit: 2875

rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Note: claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Regarding claim 3, Tabata et al. discloses the claimed invention, explained above. In addition, Tabata et al. discloses a reflecting plate having a high reflectance is arranged between the light-guide and the case frame (column 5, lines 45-55).

Regarding claim 5, Tabata et al. discloses the claimed invention, explained above. In addition, Tabata et al. discloses the reflecting plate is arranged on the mounted surface of the light source, excluding a portion of the light source.

Regarding claim 7, Tabata et al. discloses the claimed invention, explained above. In addition, Tabata et al. discloses the reflecting plate has a reflectance of 90% or more.

Regarding claim 8, Tabata et al. discloses the claimed invention, explained above. In addition, Tabata et al. discloses the reflecting plate is made of a mirror, an aluminum thin film (column 6, lines 25-35), or a high-reflectance film.

Regarding claim 9, Tabata et al. discloses the claimed invention, explained above. In addition, Tabata et al. discloses the rear surface of the light guide plate is formed to scatter light (column 6, lines 25-35).

### ***Conclusion***

Art Unit: 2875

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kusafuka et al. (USPN 6,250,767) – light guide plate, surface light source and display using the same

Kawakami et al. (USPN 6,883,934) – light source device, illumination device liquid crystal device and electronic apparatus


Wu (USPN 5,727,862) – LED back light assembly

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**